

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE CITY OF ST. PAUL

In the Matter of the Licenses
of Farmers Choice Fresh Meats,
804 University Avenue West,
St. Paul, Minnesota

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND-RECOMMENDATION

The above-entitled matter came on for hearing before Administrative Law Judge Bruce D. Campbell, acting as Hearing Officer for the City of St. Paul, on February 2 and 3, 1994, at the Ramsey County Courthouse, St. Paul, Minnesota.

Appearances: Philip Byrne, Assistant City Attorney, Office of the City Attorney, 400 City Hall, 15 West Kellogg Boulevard, St. Paul, Minnesota 55102, appeared on behalf of the City of St. Paul Office of License, Inspections and Environmental Protection (City); and John D. McKenzie, Attorney at Law, Suite 310, 1360 Energy Park Drive, St. Paul, Minnesota 55108, appeared on behalf of the Corporation, Farmers Choice Fresh Meats, Inc., and the president and sole stockholder of the business, Ms. Roohi Fayyaz Hayat (Licensee). Mr. McKenzie did not appear on behalf of the former manager of Farmers Choice Fresh Meats, Inc., Mohammed Fayyaz Hayat, who is the husband of Ms. Roohi Fayyaz Hayat. Mr. Hayat attended the hearing and consulted with Ms. Fayyaz Hayat but did not testify. He was not questioned by either counsel during the hearing.

The record of this proceeding closed on February 16, 1994, with the receipt by the Administrative Law Judge of a partial transcript of the proceeding which contains a stipulation between Farmers Choice Fresh Meats, Inc., and its president, Ms. Roohi Fayyaz Hayat, and the City.

This Report is a recommendation, not a final decision, The St. Paul City Council will make the final decision after a review of the record, which may accept, reject or modify the Findings, Conclusions, and Recommendations contained herein. Pursuant to section 310.05 (c-1) of the St. Paul Legislative Code, after receipt of this Report, the St. Paul City Council will provide an opportunity to present oral or written arguments alleging error in

this Report, and to present argument related to any action recommended in this Report.

EVIDENTIARY RULINGS

On February 10, 1994, the Administrative Law Judge received from counsel for Farmers Choice Fresh Meats, Inc., and its president, two late-filed exhibits, Exhibits 44a and 44b and a stipulation of fact between counsel for the City and counsel for the Licensee.

Pursuant to the agreement between counsel, Exhibits 44a and 44b are received into the record. The additional stipulation between counsel is that Mr. Jim Birch and Farmers Choice Fresh Meats, Inc. have signed an employment contract, as reflected in Exhibit 44b.

STATEMENT OF ISSUES

The issues to be determined in this proceeding are whether the Licensee, Farmers Choice Fresh Meats, Inc., violated the St. Paul Legislative Code in the obtaining, storing and sale of meat to the public and, if so, the appropriate sanction for such illegal conduct.

Based upon all of the record herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. Farmers Choice Fresh Meats, Inc. is a Minnesota corporation which received its certificate of incorporation from the State on September 17, 1991. The Articles of Incorporation give the street address of the registered office of the corporation as 804 University Avenue West, St. Paul, Minnesota 55104, in the county of Ramsey. The corporation has one share of stock which is held by Roohi Fayyaz Hayat. Her address is given as 804 University Avenue West, St. Paul, Minnesota 55104, the same address as the registered office of the corporation. Farmers Choice Fresh Meats, Inc. holds an A-2 grocery license from the City of St. Paul. Section 331.02 of the St. Paul Legislative Code defines a class A-2 facility as a food establishment which includes grocery, frozen foods and/or a butchering operation.

2. Mohammed Fayyaz Hayat and Roohi Fayyaz Hayat are husband and wife. They live together in a single family unit in an apartment above the meat market. Mr. Hayat does not have a direct financial ownership in the corporation itself or in its grocery operation. Profits from Farmers Choice Fresh Meats, Inc. do, however, help defray some common living expenses of Mohammed Fayyaz Hayat and Roohi Fayyaz Hayat and their children. The couple are both practitioners of the Moslem faith with a traditional Kuwaiti background.

3. In 1991, the City of Golden Valley received a complaint that the

garage of the family home of Roohi Fayyaz Hayat and Mohammed Fayyaz Hayat was being used for storing and processing meat for sale. On January 17, 1991, senior inspectors from the Minnesota Department of Agriculture determined that meat was being processed and sold from the family home garage, located at 7432 Olson Memorial Highway, Golden Valley, Minnesota, in violation of Minn. Stat. C. 28A, the Consolidated Food Licensing Law. The violation was discussed in an administrative meeting on July 11, 1991. After that meeting, at which the Consolidated Food Licensing Law was explained, the practice of the sale and storage of meat from the home garage was terminated. There is no evidence in the record that Roohi Fayyaz Hayat, personally, participated in the storage, processing and sale of meat from her family's garage at 7432 Olson Memorial Highway. Since the activity did occur from that location for a period of time, it is more probable than not that Roohi Fayyaz Hayat was personally aware of the activities of Mohammed Fayyaz Hayat in illegally storing,

processing and selling meat from the family home garage in Golden Valley. The violations discovered in 1991 in Golden Valley are not within the charges in this proceeding. They do, however, bear on the asserted lack of knowledge of Roohi Fayyaz Hayat of activities for which she was legally responsible that were conducted by another party. The offenses also establish the knowledge that both persons had of the food licensing law.

4. After the violations discussed in the previous Finding occurred, a \$70,000 loan from Roohi Fayyaz Hayat's parents was used to establish the small retail meat market and grocery dispensing facility at 804 University Avenue west, St. Paul. The building in which the meat market is located has attached to it several smaller buildings which can be used for rental purposes. Those structures were also purchased with the loan from the parents of Roohi Fayyaz Hayat. There is no evidence in the record as to whether Mohammed Fayyaz Hayat has a legal responsibility to contribute to the repayment of the loan from the parents of Roohi Fayyaz Hayat.

5. On May 23, 1991, Farmers Choice Fresh Meats, Inc., which had not as yet been incorporated, applied for a consolidated food license as a retail food handler from the Minnesota Department of Agriculture. The business name given was Farmers Choice Fresh Meats, with the owner listed as Mohammed Hayat. The gross sales anticipated for the store were between \$50,000 and \$250,000 per year. The application was signed by M. Hayat, who gave his title as "owner". Ex . 38. The renewal of the license application for the period July 1, 1992 - June 30, 1993 shows gross sales for Farmers Choice Fresh Meats of \$35,000 for the previous year, The form for the ownership of the business, taken from the original submission by Mohammed Hayat for the initial license application, which is contained on all renewals, states the following:

Farmers Choice Fresh Meats
Mohammed Hayat
804 University Avenue
St. Paul, MN 55104

The renewal forms were signed by Mohammed Hayat, with his title given as manager. The first numbered question on the applications for renewal

states: "Do you have any paid or otherwise compensated employees?"
The "no"
box was uniformly checked by Mr. Hayat. Apparently, then, Mr. Hayat,
if he
were only the manager of the business, did not obtain any separate
salary from
the corporation or his wife, the president of the corporation, Roohi
Fayyaz
Hayat. The license renewal form for the period of July 1, 1993 through
June 30, 1994 lists the gross food sales for the immediately previous
licensed
fiscal year as \$40,250. Mr. Hayat still signed the renewal as the
manager of
the operation and his name is listed in the name and address of the
licenseholder. Ex. 33.

6. At various times and in official statements to investigating
individuals, Mr. Mohammed Hayat, with the knowledge of Roohi Fayyaz
Hayat, has
claimed to be not only the manager of the business since 1991, but a
secretary
of the corporation. See, e.g., Ex. 12, p. 1.

7. During the period between the issuance of the license to Farmers
Choice Fresh Meats, Inc. in 1991, and sometime in the late winter of
1993 or
early January 1994, Mohammed Hayat had complete responsibility for the
operation of the Farmers Choice Fresh Meats market at 804 University
Avenue,

St. Paul. He purchased all of the meat, poultry and grocery products that were sold in the establishment. He also kept the books of the business and, to the public generally, was held out as the person responsible for the conduct of the business. Business checks for Farmers Choice Fresh Meats, Inc. were signed in advance, in blank, by Roohi Fayyaz Hayat and negotiated by Mohammed Hayat.

8. At about the time that the Farmers Choice Fresh Meats business opened, Mr. Hayat was buying beef, lamb and goats from Caddle Meats, a federally inspected plant located in Hinckley, Minnesota, or Chicago Lambco, located in Chicago, Illinois. Poultry was received from the Lebanese Meat Market, a federally inspected plant. The sheep and goat carcasses received from Chicago Lambco were inspected in New Zealand and complied with all federal, state and local quality and inspection requirements. The last purchasing transaction between Chicago Lambco and Farmers Choice Fresh Meats, Inc. occurred in late July of 1993.

9. It is important to Farmers Choice Fresh Meats, Inc. that the animals slaughtered, processed and later sold in the facility are Halal meat. A tenet of the Moslem religion is that only Halal meat can be eaten. Halal meat is the meat of a terrestrial animal, other than a pig, that has been killed by a male member of the Moslem faith with a knife after the recitation of certain formal Islamic prayers. There is also a method of bleeding the carcass to retain the Halal status of the meat. Finally, Halal meat may not be further processed where it comes in contact with any surface that has touched pork or pork products. The Farmers Choice Fresh Meats facility holds itself out in the Moslem community as selling only Halal meat which has been ritually slaughtered according to the Moslem tradition and processed in a location that is free from pork and pork products. Prior to early August of 1993, there is no evidence in the record that all of the animal carcasses purchased for sale at the Farmers Choice Fresh Meats facility had not complied with federal, state and local inspection requirements and had not been processed in accordance with Halal standards.

10. Halal meat does not bear a distinctive marking. One must rely on the word of the seller that the meat is Halal. In the summer of 1993, Farmers Choice Fresh Meats, Inc. was the only retailer of Halal meat in the state.

11. In early August of 1993, Mr. Mohammed Hayat became aware of a meat processing facility located in South St. Paul, Minnesota, which is a custom slaughtering operation owned and operated by P. Yang, a person of Laotian background, and his extended family. Under federal, state and local law, a person who intends to consume meat may bring a carcass or live animal to a

custom slaughtering operation for processing. After processing, the meat is to be marked "not for sale" at the facility. Since such custom slaughtering operations are not federally inspected and need not meet federal standards, under no circumstances may such meat be offered for sale to the public. Custom slaughtering operations are inspected by the state.

12. obtaining live animals at the South St. Paul market and having them custom slaughtered in South St. Paul at Mr. Yang's plant would be less expensive than obtaining frozen carcasses from Chicago. If the initial price were not significantly less, there would at least be a saving of freight charges involved in trucking the frozen meat from Chicago to St. Paul. Meat prepared at Mr. Yang's facility also would not have to be frozen. Fresh lamb

and goat meat has a more pleasing color and is generally preferred by consumers.

13. Beginning in August of 1993, Mohammed Hayat, the manager of Farmers Choice Fresh Meats, Inc., began purchasing live sheep and goats from the stockyards at South St. Paul. He brought the live animals to the South St. Paul facility of Mr. Yang for slaughtering. Mr. Mohammed Hayat performed Halal ritual slaughter on a significant number of the animals himself. There is, however, evidence in the record that employees of the Yang facility slaughtered some of the animals themselves. Such meat would not be Halal meat under Moslem principles.

14. Mohammed Hayat routinely sold the carcasses processed at the Yang facility in South St. Paul at the Farmers Choice Fresh Meats facility in St. Paul. He would usually transport the carcasses in his jeep, without protection, from Mr. Yang's facility to the meat market on University Avenue in St. Paul.

15. Mohammed Hayat also obtained from Mr. Yang's facility lungs, livers, gonads, hearts, kidneys and other unidentified organs as offal. The carcasses processed at the Mr. Yang's facility in South St. Paul never bore a mark of federal inspection, because the facility is a custom slaughtering operation, not a federally inspected facility.

16. There is no credible evidence in the record that the carcasses processed at the Yang facility were uniformly stamped with the phrase "Not For Sale" as is required by law.

17. Between August 13, 1993 and September 24, 1993, Mohammed Hayat purchased at least 117 sheep and goats in South St. Paul and at least 77 such animals were processed for Mr. Hayat at Mr. Yang's facility. Mr. Hayat paid the customer slaughter house with checks of Farmers Choice Fresh Meats, Inc., signed by Roohi Fayyaz Hayat. See, Ex. 29. At least one of the invoices for the transactions lists the name of the customer as Farmers Choice Fresh Meats with an address on University Avenue. The wife of Mr. Yang, however, handles the actual receipt of the checks in payment for work performed. She was not aware of the significance of the business name on the payment checks.

18. On September 9, 1993, Mr. Hayat was waiting at Mr. Yang's facility for sheep to be processed when a state inspector entered the premises. Mr. Hayat acted suspiciously in the presence of the state inspector and left, returning some time later. The state inspector informed Mr. Yang that Mr. Hayat may own a business in St. Paul. When Mr. Hayat returned on September 16, 1993, and asked to have 17 sheep processed, Mr. Yang seized Mr. Hayat's checkbook and saw clearly the business name written on Mr. Hayat's checks. Mr. Yang refused to perform any additional work for Mr. Hayat. Mr. Hayat threatened to sue Mr. Yang if the animals were not processed. Mr. Hayat returned on September 17, 1993 and again asked to have slaughtering work performed. Mr. Yang refused, stating that it would be illegal for him to slaughter animals that were to be sold to the public. Mr. Hayat then threatened to report Mr. Yang to the USDA for slaughtering animals to be sold to the public and threatened to show cancelled checks as proof of that activity. Mr. Yang told Mr. Hayat to leave the premises. Mr. Hayat then stopped payment on two checks totalling \$740.00 from Farmers Choice Fresh Meats for slaughtering services performed. Ex. 29.

19. On September 16, 1993, an unidentified confidential informant gave the United States Department of Agriculture, Food Safety and Inspection Service information which caused them to conduct a subsequent inspection of the Farmers Choice Fresh Meats, Inc. facility on University Avenue in St. Paul. Ex. 8 (received for limited purpose of notice and reasonable cause to inspect).

20. On September 24, 1993, the facility located at 804 University Avenue, St. Paul, was investigated by Minnesota Department of Agriculture Inspector Richard Bruecker, Minnesota Department of Agriculture Compliance Officer Kelvin Elfering and United States Department of Agriculture Compliance officer John Niehaus. The inspection revealed 18 lamb and three goat carcasses hanging in a walk-in cooler. None of the carcasses bore any marks of inspection by the USDA or other approved suppliers. A number of carcasses still had pizzles attached and contained contamination from fecal matter or other foreign substances. Ex. 9. Other characteristics of the method of slaughtering the carcasses convinced the officers that the meat had not been slaughtered in a federally inspected facility. Ex. 9 shows a number of photographs taken on September 24, 1993, which lead to a conclusion that the meat offered for sale had not been slaughtered in a federal facility. In addition to contamination and attached pizzles, carcasses showed lung adhesions and chunks of lung in the carcass, the presence of trachea and sternums not totally split, wool still attached to portions of the carcass, and briskets not totally split.

21. In addition to the carcasses, the compliance officers found mixed unlabeled offal which included organs that may not legally be offered for sale. When questioned, Mr. Mohammed Hayat attempted to convince the inspectors that the carcasses were New Zealand inspected carcasses previously received from Chicago and frozen offal for which he had appropriate receipts. When that approach did not seem tenable, Mr. Hayat stated that the carcasses and offal were from the Yang custom slaughter plant in South St. Paul. He stated that he had been deceived about the authority of Mr. Yang to process his carcasses. An inspection of Mr. Hayat's jeep showed small puddles of blood on the floor indicating that it had recently been used to transport carcasses in an unprotected condition.

22. On September 24, 1993, the FDA inspector embargoed approximately 1200 pounds of poultry that bore no marks of federal or state inspection and

had no labeling. Ex. 10. They also embargoed the 18 lamb carcasses and three goat carcasses and offal. Ex. 10. The embargoed meat was left on the premises, as is customary.

23. On September 29, 1993, the source of the poultry was identified as a federally inspected source and the poultry was released from detention. Ex. 11.

24. On October 13, 1993, the 21 carcasses that had originated at the Yang custom plant were released from federal embargo and immediately placed under an authorized state embargo. Meat under an embargo is held for purposes of destruction. It may not be sold or otherwise disposed of to the public while embargoed. This was specifically explained to Mr. Hayat. As noted in Finding 22, Supra, embargoed meat remains on the premises where found until destroyed.

25. On December 2, 1993, the embargoed products were inspected under the state embargo for purposes of destruction. A check by the inspecting officials showed that the embargoed carcasses had been switched in the walk-in cooler of the market and were not the same carcasses that had been placed under embargo. At least 19 of the carcasses had been switched and now bore either complete or partial marks of authorized New Zealand inspection. When informed of the findings of the officials, Mr. Mohammed Hayat refused to sign the inspection division report or review it with the inspectors. Ex. 13.

26. Mr. Mohammed Hayat later admitted selling a number of the carcasses that had been placed under embargo to the public for monetary reasons.

27. It is a violation of state and federal law to have on retail food premises for sale meat that has not been slaughtered in a federally inspected facility. It is also a serious violation of federal and state law to violate any lawful embargo order, particularly by selling the subject of the embargo to the public.

28. On December 8, 1993, Philip Bruecker of the Minnesota Department of Agriculture and Donald E. Cheney, an environmental health specialist for the city of St. Paul, performed inspections of the Farmers Choice Fresh Meats, Inc. store on University Avenue in St. Paul. Mr. Bruecker found the violations listed in Ex. 25. The violations included a number of deficiencies in both equipment and condition of the store and in the products being stored and sold. Mr. Donald E. Cheney of the Food Inspection Service of the City of St. Paul, on December 8, 1993, found the violations listed in Ex. 26.

29. Between 1991 and January of 1994, Mohammed Hayat was totally controlling the business enterprise known as Farmers Choice Fresh Meats, Inc. After January of 1994, Ms. Roohi Fayyaz became "angry" at her husband for what she believed he had done in the business and the problems caused with federal, state and local inspecting authorities. She "fired" him. Ms. Fayyaz claims that Mr. Hayat no longer has any connection with the business. Ms. Fayyaz has been ordering all of the meat through Chicago Lambco since September 24, 1993. In an effort to make sure that no additional violations of food laws occur, Ms. Fayyaz has hired, as a manager, Mr. James Birch, who now has an employment contract with Farmers Choice Fresh Meats. Mr. Birch, a retired meat worker, has a long history of work in the butchering and meat business.

He intends to take over the ordering of the meat and make sure that all inspection requirements are followed. He does have at least a temporary employment contract with Farmers Choice Fresh Meats, Inc.

30. On August 12, 1993, Ward A. Harkness, City Food Inspection Services, inspected the market premises and found violations including improper or missing labels on food packages, food containers placed on the walk-in freezer floor, refuse around a dumpster and flies in the facility. Several of these violations were repeat offenses.

31. There is no credible evidence in the record that the plumbing violations found by the inspectors at the premises have been corrected to comply with appropriate health codes.

32. At the hearing, Ms. Fayyaz, as president of the corporation, stipulated to the existence of the violations found in the previous Findings

and the responsibility of the corporation for such violations. She denied, however, that she had actual knowledge of the activities of her manager, Mohammed Fayyaz Hayat or any of the specific instances discussed in the Findings. She testified that there will be future compliance because she has hired Mr. Birch to manage Farmers Choice Fresh Meats, Inc. at its University Avenue location.

33. The Licensee, Farmers Choice Fresh Meats, Inc. and its president, Roohi Fayyaz Hayat, are legally responsible for the actions of the market's manager and any other employee under principles of agency law and the specific provisions of the City of St. Paul Legislative Code.

34. There is no credible evidence in the record that Mr. Mohammed Fayyaz Hayat was actually misled by Mr. Yang about the ability of the custom facility in South St. Paul to process meat for sale to the public or that any of the violations stated in the Findings were the product of inadvertance or mistake. Mr. Mohammed Fayyaz Hayat did not testify at the hearing.

35. On December 21, 1993, the City of St. Paul informed Roohi Fayyaz Hayat that it intended to take adverse action against the store's grocery license. Ex. 2.

36. On January 5, 1994, the Licensee was served with a Notice of Hearing, which listed as charges the presence of meat in the store's cooler on September 24, 1993, which was not slaughtered or processed in a lawful facility, the illegal sale of meat placed under a state detention order and the substitution of complying meat and other specified food and health code violations.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The City Council and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. 14.55 (1994) and Section 310-05 (c-1) of the St. Paul Legislative Code.

2. The corporation, Farmers Choice Fresh Meats, Inc., and its president, Roohi Fayyaz Hayat, who hold an A-2 grocery license from the City

of St. Paul are legally responsible for the actions of Mohammed Fayyaz Hayat, the former manager of the business and the husband of the president of Farmers Choice Fresh Meats, Inc.

3. The violations asserted in the Notice of and Order for Hearing, at page 2, have been established by a preponderance of the evidence.

4. Although Roohi Fayyaz Hayat and Farmers Choice Fresh Meats, Inc. did not directly order any person to commit the violations engaged in by Mohammed Hayat, they are legally responsible for the actions of Mr. Hayat.

5. A lack of actual knowledge of the illegal activity by Roohi Fayyaz Hayat and Farmers Choice Fresh Meats, Inc. is not relevant in determining the appropriate sanction against the A-2 grocery license of the corporation.

6. The testimony of Mr. Birch and Ms. Fayyaz Hayat that future violations are unlikely and that Mr. Mohammed Hayat will not be associated with the business in the future is not credible.

7. Any Finding of Fact more properly termed a Conclusion, and any Conclusion more properly termed a Finding of Fact is hereby expressly adopted as such.

Based on the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS RESPECTFULLY RECOMMENDED that the St. Paul City Council revoke the A-2 grocery license of Farmers Choice Fresh Meats, Inc., and Roohi Fayyaz Hayat for the violations established in the Findings herein.

Dated this 18th day of March, 1994.

BRUCE D. CAMPBELL
Administrative Law Judge

NOTICE

The St. Paul City Council is respectfully requested to provide a copy of its final decision to the Administrative Law Judge by first class mail.

Reported: Tape Recorded; Transcript of Stipulation Prepared by Karen Toughill.

MEMORANDUM

Ms. Roohi Fayyaz Hayat, on behalf of the corporation of which she is president, has virtually stipulated to all of the violations detailed in the Findings herein. It is clear that the sale of non-federally inspected meat occurred for a period of over a month at the Farmers Choice Fresh Meat market on University Avenue in St. Paul. The meat was not appropriately prepared or transported. Some of the meat was not Halal meat, since it had not been slaughtered according to Moslem tradition. When caught in his string of deceptions, Mr. Mohammed Hayat initially attempted to lie about the source of the products. He then blamed Mr. Yang and claimed he had been misled into

believing that the custom facility in South St. Paul could legally slaughter meat that was to be later, offered for sale. That final explanation by Mr.

Hayat was not given on the record of this proceeding, but was included in several of the exhibits in which Mr. Hayat gave statements, not under oath, to investigating officials. There is no credible evidence in the record that Mr.

Yang, rather than Mr. Mohammed Hayat, was solely at fault. There is some evidence from which one could possibly conclude that Mr. Yang and Mr. Hayat were engaged in some type of conspiracy to evade the food processing laws.

Mr. Yang, however, has cooperated with officials and did testify at the proceeding, claiming that only inadvertance or loose business practice allowed Mr. Hayat to have approximately 70 animals processed at the custom plant over a short period of time. Mr. Mohammed Hayat did not testify at the hearing. The Administrative Law Judge may conclude appropriately that, had he testified, his testimony would have been adverse to the interests of his wife and the corporation.

Ms. Roohi Fayyaz Hayat, on behalf of the corporation, testified that she was unaware of her husband's activities and later "fired" him when she found out about the difficulties with federal, state and local inspecting officials. She also testified that all of the plumbing problems noted in the inspection reports were corrected as of the date of the hearing. The Administrative Law Judge finds that her testimony is not credible. The hiring of Mr. James Birch and the cosmetic "removal" of Mr. Mohammed Hayat is an attempt by the couple to maintain their St. Paul grocery license.

The Administrative Law Judge has recommended that the grocery license of Farmers Choice Fresh Meats, Inc. be revoked, rather than a lesser suspension or penalty. There are several reasons for this conclusion, The violations in this case for which Ms. Roohi Fayyaz Hayat and the corporation are legally responsible are aggravated. Moreover, the Administrative Law Judge does not find that it would be appropriate for the city inspection division to be required to spend an inordinate amount of its time policing a food dispensing facility that has proven to be such a problem in the past.

One witness testified about the importance of the availability of Halal meat to the Moslem community in the area. That same witness, when questioned by the Administrative Law Judge, however, testified about the importance of telling the truth to the Moslem religion. The Administrative Law Judge also concludes that a significant portion of the meat offered by the Farmers Choice Fresh Meats, Inc. was not, in fact, Halal meat, meeting Moslem tradition. As noted in the Findings, such meat does not bear any distinguishing marks or labeling, as would Kosher meat under Jewish tradition. The purchaser must rely upon the integrity of the seller. That integrity is not present in this case

B.D.C.

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